

CODE	Section IA EQUAL EMPLOYMENT OPPORTUNITY
EE01	<p>A federal contracting managed care organization is required under the laws administered by the Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP) to analyze its workforce, evaluate the total scope of its personnel practices, and identify barriers to equal employment opportunity. Where such barriers are disclosed, the contractor is obligated, as part of its contractual obligations, to take corrective action including, where appropriate, establishing goals to address the underutilization of women and minorities.</p> <p>Executive Order 11246; Section 503 of the Rehabilitation Act 1973; and the affirmative action provisions (section 4212) of the Vietnam Era Veterans’ Readjustment Assistance Act, Sec 41 CFR 60-2.12(e) and 60-2.30.</p> <p style="text-align: right;">(See note in MOE)</p>
MOE	<div style="text-align: right;"> <input type="checkbox"/> MET <input type="checkbox"/> NOT MET <input type="checkbox"/> NOTE </div> <p>The U.S. Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP) is responsible for the enforcement of three equal employment opportunity programs that apply to Government contractors and subcontractors: Executive Order 11246; Section 503 of the Rehabilitation Act of 1973; and the affirmative action provisions of the Vietnam Era Veterans’ Readjustment Assistance Act of 1974. Taken together, these laws ban discrimination and require Federal contractors and subcontractors, as a condition of their government contracts, to take affirmative action to ensure that minorities, women, individuals with disabilities and veterans have equal opportunity to compete for employment.</p> <p>Affirmative action does not mandate preferential treatment, hiring unqualified workers, using quotas or set-asides. Moreover, any form of quotas is unlawful under OFCCP regulations.</p> <p>The OFCCP Executive Order Regulations provide Federal contractors (with 50 employees and at least a \$50,000 contract) with a blueprint by which to develop a written affirmative action plan. If a contractor fails to comply with its contractual obligations, OFCCP laws authorize the Secretary of Labor to cancel, terminate, or debar a Federal contractor from receiving future contracts with the Government. However, a contractor cannot be debarred without having an opportunity for a full evidentiary hearing before an administrative law judge. No contractor is sanctioned for failing to meet a numerical goal.</p> <p>NOTE: Under normal circumstances, the reviewer is not responsible for verifying that the M+CO meets the above requirements at the time of the monitoring visit. An operating presumption is that an M+CO that does not meet the aforementioned requirements would not be permitted to continue contracting with the Health Care Financing Administration for the provision of medical services to Medicare recipients. Certain circumstances may dictate that a reviewer check to confirm that the M+CO continues to meet all applicable Federal regulatory requirements to complete this section of the review guide. In implementing this section of the <i>Review Guide</i>, reviewers may request assistance by contacting the Central Office HPPA/Division of Performance Review within the Health Plan Purchasing and Administration Group Medicare Managed Care Group.</p>